

Notice of Allowability

Application No.

10/604,969

Examiner

McDieunel Marc

Applicant(s)

STARR ET AL.

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3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/17/2006.
2. ☒ The allowed claim(s) is/are 2, 4-10, 12-14, 20-23, 29-31, 33-37 and 40-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


THOMAS BLACK
SUPERVISORY PATENT EXAMINER

Allowable Subject Matter

1. Claims 2, 4-10, 12-14, 20-23, 29-31, 33-37 and 40-55 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fail to teach or fairly suggest with respect to claim 7, a robotic data storage library for operation with at least one data storage element and with the ability to reduce the an amount of time to reach an operational state after a transition of the library from a power-off state to a power-on state, comprising a means for causing an audit to be performed to create an inventory, causing said inventory to be stored in said nonvolatile memory prior to a said transition; with respect to claim 40, a robotic data storage library comprising a controller prior to a power transition from a power-off state to a power-on state is capable of causing an audit to be performed to create an inventory of at least where storage elements are located within said library and in response to sensing said power transition, said controller causing transmission of said inventory to said host; and nonvolatile memory for storing said inventory with respect to claim 44, a method for improving time to reach an operational state of a robotic data storage library when turned on, the method comprising the steps of auditing said library to create an inventory of said storage locations that are accommodating one of said data storage elements prior to said transition; storing said inventory in a nonvolatile memory prior to said transition with respect to claim 54, a method for reducing an operational state for a robotic data storage library when turned on, said library comprising the steps of auditing said library to determine which of said locations are accommodating said data storage elements and which of said

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locations are not accommodating said data storage elements; creating an inventory of said audit; storing said inventory in a nonvolatile memory prior to said transitioning step; and transmitting said inventory to a host computer after said transitioning step in combination with the other elements and features of the invention.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (571) 272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

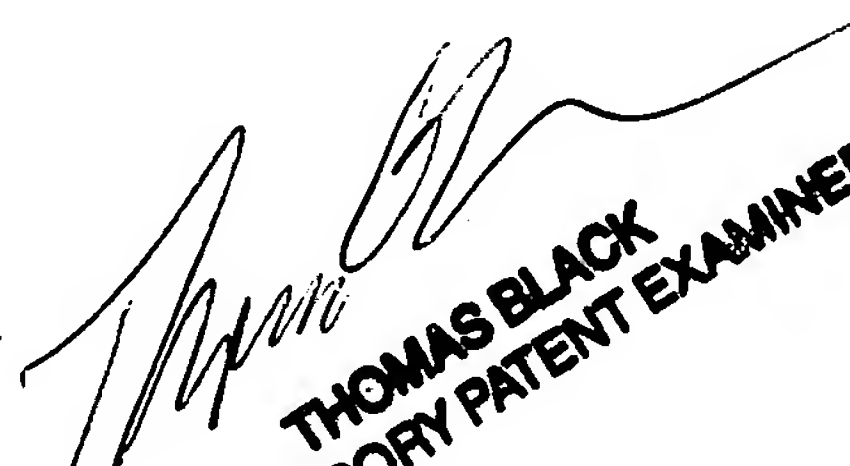
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


McDieunel Marc
Examiner
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Friday, September 22, 2006


THOMAS BLACK
SUPERVISORY PATENT EXAMINER